

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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JAMES REID, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

HEMISPERX BIOPHARMA, INC., and  
WILLIAM A. CARTER,

Defendants.

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PAUL MCGOVERN, On Behalf Of Himself  
and All Others Similarly Situated,

Plaintiff,

v.

HEMISPERX BIOPHARMA, INC., and  
WILLIAM A. CARTER, M.D.

Defendants.

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CATHARINE A. KLETMAN, Individually  
and on behalf of all other similarly situated,

Plaintiff,

v.

HEMISPERX BIOPHARMA, INC., and  
WILLIAM A. CARTER,

Defendants.

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CIVIL ACTION  
NO. 09-CV-5262-PD

CIVIL ACTION  
NO. 09-CV-5682-PD

CIVIL ACTION  
NO. 09-CV-5870-PD

**STIPULATION AND [PROPOSED] ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel for the parties, that:

1. Beginning on November 10, 2009, the above-captioned actions were filed as purported class actions, asserting substantially similar claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 against defendants Hemispherx Biopharma, Inc. and William A. Carter.

2. Robert L. Hickok and Gay Parks Rainville, of Pepper Hamilton LLP, are authorized to accept service on behalf of defendants and do hereby accept service of the summons and complaints in these actions without prejudice and without waiver of defendants' defenses except as to sufficiency of service of process.

3. Pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. § 78u-4, notice was first published on November 11, 2009, advising members of the purported plaintiff class of the pendency of this litigation and their right to move this Court to serve as lead plaintiff not later than sixty (60) days after publication of the notice, or on or before January 11, 2010.

4. After the Court enters an order appointing lead plaintiff and lead counsel and consolidating these and any related actions, lead counsel will confer with defendants' counsel regarding the schedule for the filing of a consolidated amended complaint, and for the filing of defendants' response to that complaint. The parties will then file an additional

stipulation and proposed order to be approved by the Court. Defendants will not be required to respond to the complaints filed in this matter except as set forth in such stipulation.

Dated: December 21, 2009

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Attorneys for Defendants Hemispherx  
Biopharma, Inc. and William A. Carter

SO ORDERED.

Paul S. Diamond 12/4/10  
Paul S. Diamond  
United States District Judge